

63 FLRA No. 104

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES
LOCAL 96
(Union)

and

UNITED STATES DEPARTMENT OF VETERANS
AFFAIRS
MEDICAL CENTER
ST. LOUIS, MISSOURI
(Agency)

0-AR-4484

DECISION

May 15, 2009

Before the Authority: Carol Waller Pope, Chairman and
Thomas M. Beck, Member

This matter is before the Authority on exceptions to an award of Arbitrator E. Frank Cornelius filed by the Union under § 7122(a) of the Federal Service Labor-Management Relations Statute (the Statute) and part 2425 of the Authority's Regulations. The Agency's opposition was not timely filed and, therefore, has not been considered.

Under § 7122(a) of the Statute, an award is deficient if it is contrary to any law, rule, or regulation, or it is deficient on other grounds similar to those applied by federal courts in private sector labor-management relations. Upon careful consideration of the entire record in this case and Authority precedent, the Authority concludes that the award is not deficient on the grounds raised in the exceptions and set forth in § 7122(a). *See AFGE, Local 1668*, 50 FLRA 124, 126 (1995) (award not deficient on ground that arbitrator failed to provide a fair hearing where excepting party fails to demonstrate that the arbitrator refused to hear or consider pertinent and material evidence, or that other actions in conducting the proceeding so prejudiced a party so as to affect the fairness of the proceeding as a whole); *Prof=I Airways Sys. Specialists, District No. 1, MEBA/NMU (AFL-CIO)*, 48 FLRA 764, 768-69 (1993) (award not deficient as contrary to law where excepting party fails to establish that the award is in any manner contrary to the law, rule, or regulation on which the party relies);

United States Dep't of the Air Force, Lowry Air Force Base, Denver, Colo., 48 FLRA 589, 593-94 (1993) (award not deficient as based on a nonfact where excepting party either challenges a factual matter that the parties disputed at arbitration or fails to demonstrate that the central fact underlying the award is clearly erroneous, but for which a different result would have been reached by the arbitrator).

Accordingly, the Union's exceptions are denied.